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OCT 18 2012	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOBY AARON GALLEGOS,

Defendant.

2:12-CR-328-MMD-(CWH)

**PRELIMINARY ORDER OF FORFEITURE**

This Court finds that on October 18, 2012, defendant TOBY AARON GALLEGOS pled guilty to Count One of a One-Count Criminal Indictment charging him with Felon in Possession of Firearm in violation of Title 18, United States Code, Section 922(g)(1). Criminal Indictment, ECF No. 9.

This Court finds defendant TOBY AARON GALLEGOS agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Criminal Indictment and the Plea Memorandum. Criminal Indictment, ECF No. 8. Plea Memorandum, ECF No. \_\_\_\_.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal Indictment and Plea Memorandum and the offense to which defendant TOBY AARON GALLEGOS pled guilty.

The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 1           1.     Kimber Tactical Pro .45 caliber handgun bearing serial number KR87097; and
- 2           2.     any and all ammunition.

3           This Court finds the United States of America is now entitled to, and should, reduce the  
4     aforementioned property to the possession of the United States of America.

5           NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
6     United States of America should seize the aforementioned property.

7           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of  
8     TOBY AARON GALLEGOS in the aforementioned property is forfeited and is vested in the United  
9     States of America and shall be safely held by the United States of America until further order of the  
10    Court.

11          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America  
12    shall publish for at least thirty (30) consecutive days on the official internet government forfeiture  
13    website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited property, state  
14    the time under the applicable statute when a petition contesting the forfeiture must be filed, and state  
15    the name and contact information for the government attorney to be served with the petition, pursuant  
16    to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

17          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed  
18    with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.


19          IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,  
20    shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the  
21    following address at the time of filing:

22                   Michael A. Humphreys  
23                   Assistant United States Attorney  
24                   Daniel D. Hollingsworth  
25                   Assistant United States Attorney  
26                   Lloyd D. George United States Courthouse  
                    333 Las Vegas Boulevard South, Suite 5000  
                    Las Vegas, Nevada 89101.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein  
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency  
3 following publication of notice of seizure and intent to administratively forfeit the above-described  
4 property.

5 DATED this 18 day of October, 2012.

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9 UNITED STATES DISTRICT JUDGE  
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